

# **Civil Rights Act of 1964**

## ***Title VI* Compliance** (6/08)

**Refresher Training Approved by:**

**Tennessee  
Department  
of**

**Finance and Administration  
Division of Mental Retardation Services**

# Goal

To protect the civil rights of service recipients and to ensure equal access to programs, activities, and services regardless of race, color, or national origin.

# CIVIL RIGHTS

*Civil Rights are enforceable rights or privileges guaranteed by the 13<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution, which if interfered with by another gives rise to an action for injury.*

*EXAMPLES:*

- Freedom of Speech*
- Freedom of Assembly*
- Right to Vote*
- Freedom from Involuntary Servitude*
- Equality in Public Places*



# DISCRIMINATION

*Discrimination* occurs when an individual's civil rights are denied or interfered with because of their membership in a particular group or class.

# What is *Title VI* ?

"No person in the United States shall on the basis of race, color or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Civil Rights Act of 1964

# FOR TITLE VI TO APPLY:

1. The program or agency must be located within the United States.
2. The program or agency must be providing a service.
3. The program or agency must be receiving direct (recipient) or indirect (sub-recipient) federal funding or assistance.



# What constitutes a program or activity?

- A department, agency or other instrumentality of a state or local government.
- The entity of such a state or local government that distributes assistance and each department or agency to which assistance is extended.

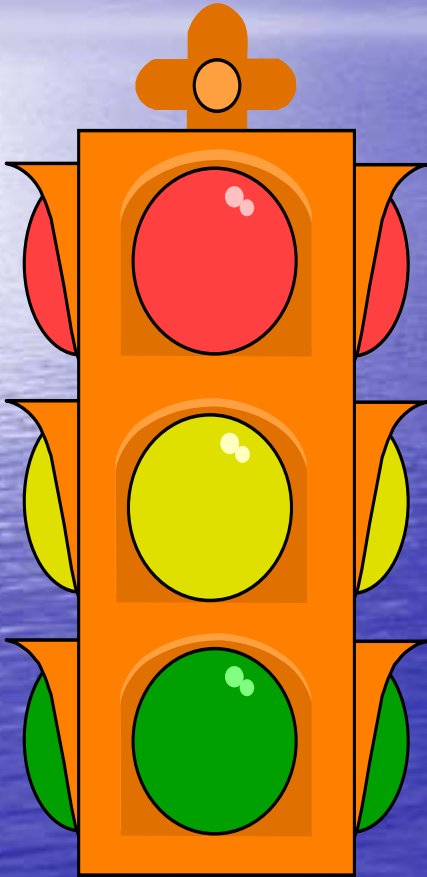
# **Tennessee Code Annotated (TCA)**

## **4-21-904**

It is a discriminatory practice for any state agency receiving federal funds, making it subject to Title VI of the Civil Rights Act of 1964, or for any person receiving such federal funds from a state agency, to exclude a person from participation in, deny benefits to a person, or to subject a person to discrimination under any program or activity receiving such funds, on the basis of race, color, or national origin.

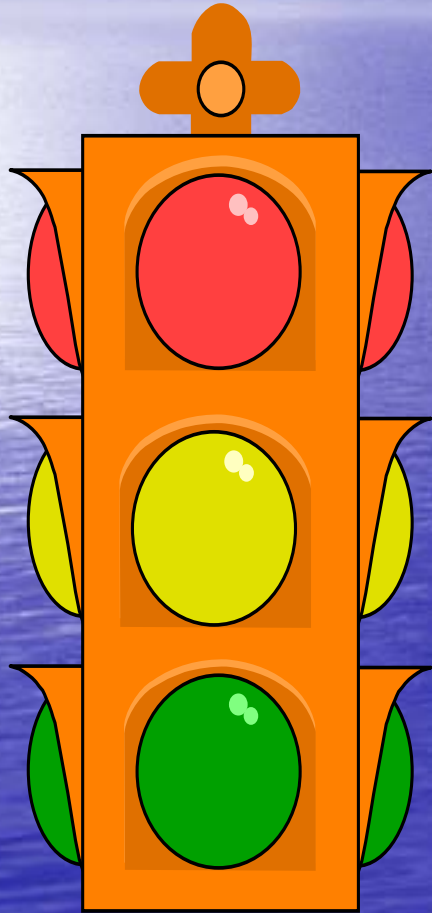


# Prohibited Practices



- ❖ Denying any individual services, opportunities, or other benefits for which that individual is otherwise qualified;
- ❖ Providing any service or benefit in a different manner from that which is provided to others in a program because of race, color, or national origin;
- ❖ Segregating service recipients solely because of race, color, or national origin;

# Prohibited Practices



- ❖ Restricting access to program services or benefits because of race, color, or national origin;
- ❖ Adopting methods of administration which would limit participation by any group of recipients or subject them to discrimination;
- ❖ Addressing an individual in a manner that denotes inferiority because of race, color, or national origin.

# Limited English Proficiency (LEP)



## Limited English Proficient (LEP)

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

These individuals may be entitled to language assistance with respect to a particular type or service, benefit, or encounter.




# LEP Requirements

Recipients and sub-recipients of federal assistance are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Four factors that should be considered:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient or agency, and costs.

# DMRS

## Service Provider Requirements

 All DMRS service providers must have a mechanism for advising service recipients of their rights under Title VI of the Civil Rights Act of 1964 and how to file a discrimination complaint.

# DMRS

## Service Provider Requirements (cont.)

- *Title VI* posters must be displayed in a conspicuous place and accessible to all service recipients.
- DMRS service providers must conduct annual *Title VI* training.



# Key to *Title VI* Compliance



Ensure that service recipients receive

- ◆ equal treatment
- ◆ equal access
- ◆ equal rights
- ◆ equal opportunities

without regard to their race, color,  
national origin, including  
Limited English Proficiency (LEP).

# How to report a Title VI violation or complaint:

To report a *Title VI* violation or complaint, please contact the agency's

*Title VI* Coordinator

or

DMRS Regional *Title VI* Coordinator

Complaints can also be submitted to:

Brenda Clark, Director  
Office of Civil Rights  
Department of Finance and Administration,  
Division of Mental Retardation Services  
500 Deaderick Street, 15<sup>th</sup> Floor Andrew Jackson Building  
Nashville, TN 37243  
1-800-535-9725